

REMARKS

In the Final Office Action¹ mailed September 5, 2008, the Examiner rejected claims 38-41, 44-46, 48-51, 54-56, 58-61, 64-66, and 68-70 under 35 U.S.C § 102(e) as being anticipated by U.S. Patent 6,987,945 to Corn et al. ("*Corn*"); and rejected claims 47, 57, and 67 under 35 U.S.C § 103(a) as being unpatentable over *Corn* in view of U.S. Published Patent Application No. 2002/0032790 to Linderman ("*Linderman*").

By this amendment, Applicants amend claims 38-41, 48-51, 58-61, and 68-70. Claims 38-41, 44-51, 54-61, and 64-70 are pending.

Applicants respectfully traverse the rejection of claims 38-41, 44-46, 48-51, 54-56, 58-61, 64-66, and 68-70 under 35 U.S.C § 102(e) as being anticipated by *Corn*. In order to properly establish anticipation under 35 U.S.C. § 102, "each and every element as set forth in the claim [must be] found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). See also M.P.E.P. § 2131. Here, *Corn* does not disclose, or even suggest, each and every element of the pending claims.

Independent claim 38 recites a method for providing access to an electronic course that is hosted by an external system, including "receiving, at a server, metadata

¹ As Applicants' remarks with respect to the Office Action's rejections are sufficient to overcome these rejections, Applicants' silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

defining a course catalog, from the external system.” With respect to Figure 1 of *Com*, the Examiner appears to allege that *Com*’s Web Server 4 corresponds to the claimed “server” and that *Com*’s Electronic Device 16 corresponds to the claimed “external system.” Office Action at page 5. Applicants respectfully disagree.

Com’s Web Server 4 does not “receiv[e] . . . metadata defining a course catalog” from Electronic Device 16, as recited in claim 38. Instead, *Com*’s Web Server 4 receives a request for initial webpage 6 from Electronic Device 16. *Com*, col. 7, lines 49-51. *Com*’s webpage request does not constitute “metadata defining a course catalog,” as recited in claim 38 (emphasis added).

Claim 38 also recites “receiving, at the client device, a selection by the user of at least one course,” “sending, by the client device, the selection to the server,” and “retrieving, by the client device, the selected course from the external system.” *Com* fails to teach or suggest a “client device,” “server,” and “external system,” as recited in claim 38. Instead, *Com* discloses Electronic Device 16 and Web Server 4. For at least these reasons, *Com* fails to anticipate claim 38.

Independent claims 48, 58, and 68-70, while of different scope than independent claim 38, distinguish over *Com* for reasons similar to those set forth above with respect to claim 38. Claims 39-41, 44-46, 49-51, 54-56, 59-61, and 64-66 depend from one of the independent claims.

Moreover, dependent claim 39 recites that “the step of communicating comprises transmitting a register command from the server to the external system that registers the user with the external system.” *Com* fails to disclose, or even suggest, the claimed “register command.”

Corn discloses a user, at electronic device 16, logging-in to access a course.

Corn, col. 7, line 60-61. However, *Corn* does not disclose “transmitting a register command from the server [alleged Web Server 4] to the external system [alleged Electronic Device 16] that registers the user with the external system,” as recited in claim 39 (emphasis added). For at least these additional reasons, *Corn* fails to anticipate claim 39.

Applicants respectfully traverse the rejection of claims 47, 57, and 67 under 35 U.S.C § 103(a) as being unpatentable over *Corn* in view of *Linderman*. No *prima facie* case of obviousness has been established.

Claims 47, 57, and 67 depend from claims 38, 48, and 58, respectively, and therefore, include all recitations therein. As discussed previously *Corn* fails to teach or suggest each and every element of claims 47, 57, and 67.

Linderman fails to cure the deficiencies of *Corn*. That is, *Linderman* also fails to teach or suggest “receiving, at a server, metadata defining a course catalog, from the external system,” as well as a “client device,” “server,” and “external system,” as recited in claim 38, and similar recitations of claims 48, 58, 68-70. Accordingly, *Corn* and *Linderman* fail to disclose or suggest each and every element of claims 47, 57, and 67, and therefore, fail to establish a *prima facie* case of obviousness with respect to these claims.

Applicants respectfully request that the Examiner enter this Amendment under 37 C.F.R. § 1.116, placing the pending claims in condition for allowance. Applicants submit that the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the

elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

In view of the foregoing , Applicants submit that the pending claims, as amended, are neither anticipated nor rendered obvious in view of the cited references. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By:



Fahd Hussein Patel
Reg. No. 61,780
(202) 408-6072